

HOUSE No. 4680

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

F. Jay Barrows

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Amending and Updating the Foxborough Sewer Act.

PETITION OF:

NAME:

F. Jay Barrows

DISTRICT/ADDRESS:

1st Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act Amending and Updating the Foxborough Sewer Act.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

ARTICLE 15: MOVED that a Home Rule Petition to the General Court be presented on behalf of the Town of Foxborough as set forth below, that the town's representatives in the General Court be requested to seek enactment of special legislation for the Town in the form set forth below, it being the intent of the Town to authorize the General Court to make constructive changes to the text hereof, subject to the approval of the Foxborough Board of Selectmen and the Foxborough Board of Water and Sewer Commissioners, to accomplish the public policy purposes hereof, as follows:

AN ACT AMENDING AND UPDATING THE FOXBOROUGH SEWER ACT

SECTION 1. The Town of Foxborough is hereby authorized, through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, to lay out, construct, maintain and operate, a sewerage system for a part or the whole of its territory, as may be from time to time defined and established by adoption by town meeting of one or more by-laws as one or more designated Sewer Districts with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such by-law to such Sewer Districts in the Town of Foxborough as required for a system or systems of wastewater collection, conveyance, treatment and/or disposal facilities and such connections and other works as may be required for a sewerage system for said town, in accordance with plans made for said town and accepted and adopted by said town. No other sewers shall be constructed in any public roads or ways of the town of Foxborough which are not within such designated Sewer Districts and which are not under the control of said town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, except this provision may be waived by vote of said Board of Water and Sewer Commissioners. The Board of Water and Sewer Commissioners, as established pursuant to Chapter 46 of the Acts of 1986, shall have all the rights and powers under the General Laws and under applicable special acts, including, without limitation, and as applicable, chapter 196 of the

acts of 1879, chapter 162 of the acts of 1890, chapter 424 of the acts of 1891, chapter 232 of the acts of 1892, chapter 339 of the acts of 1894, chapter 222 of the acts of 1897, chapter 346 of the acts of 1898, chapter 245 of the acts of 1911, chapter 175 of the acts of 1913, chapter 311 of the

Article #15 acts of 1925, chapter 227 of the acts of 1931, chapter 147 of the acts of 1949, insofar they do not conflict with the provisions of this act.

SECTION 2. The care and superintendence of the operation and maintenance of the system of wastewater collection, conveyance, treatment and/or disposal facilities and of all facilities subsequently built shall be placed in the hands of the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, who shall have and exercise all the powers, privileges and authority which are given to such board by the provisions of chapter 40N of the General Laws. Said Board of Water and Sewer Commissioners may establish rules and regulations pursuant to said chapter 40N for the connecting of estates and buildings with said facilities, and for the selection of materials to be used in said connections, and for the inspection of the construction, maintenance, alteration and use of all such connections entering into its sewers, and may impose penalties, not exceeding three hundred dollars in amount, for each violation of any rule or regulations; and upon such establishment shall be published not less than one a week for four successive weeks in some newspaper published in said town, and shall not take effect and become operative until such publication has been made. Upon the establishment of such rules and regulations all owners of estates and buildings within the territory covered by said Sewer Districts shall, subject to capacity and subject to such rules and regulations, be permitted to connect to the Town's system of collection, conveyance or treatment of wastewater, provided however such owners shall, at their own expense, construct such proper connections between such estates and buildings, and the town's system of collection, conveyance or treatment of wastewater as shall take proper care of all such sewage and waste as may be produced upon their premises, in such manner as shall meet the approval of the Board of Water and Sewer Commissioners of said town, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, and shall maintain such connections in proper working order and condition, under the supervision and to the satisfaction of said board.

SECTION 3. Notwithstanding any provision of law to the contrary, owners of land not within the sewer districts defined and established pursuant to section one of this act shall not be permitted to connect to the town's sewerage system except as is set forth in this act. The territory covered by said Sewer Districts may be amended from time to time by the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, after a public hearing conducted to consider such amendment, upon approval of the Massachusetts Department of Environmental Protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district. In the event that said board votes not to amend the territory of any sewer district in accordance with the foregoing sentence, the amendment may nevertheless be enacted in a form of a by-law upon a two-thirds vote of town meeting.

Any by-law adopted pursuant to the authority granted to the town of Foxborough by this act may include authorization to the town through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of Chapter 46 of the Acts of 1986, to add to the Sewer Districts

74 created pursuant to this act without the necessity of a town meeting vote, properties located
75 within “needs areas” as defined by Foxborough’s Comprehensive Wastewater Management Plan,
76 April 2001 (CWSRF#584), or any equivalent successor revision or amendment thereto as may be
77 approved by said board and the Massachusetts Department of Environmental Protection.
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79 SECTION 4. Notwithstanding anything to the contrary contained herein, the town
80 through its Board of Water and Sewer Commissioners, as established pursuant to Section 3 of
81 Chapter 46 of the Acts of 1986, may at any time permit extensions, new connections or increases
82 in flow to the sewerage system, subject to capacity, to serve municipal buildings or public
83 restrooms or other public service uses as defined by the municipality; provided, however, that
84 such uses may include, but shall not be limited to, affordable housing constructed pursuant to
85 chapters 40B and 40R of the General Laws, without thereby creating any entitlement on the part
86 of any person to connect to such sewer system, and subject to capacity, in order of application,
87 may permit or if in the public interest, may require, extensions, new connections or new flow to
88 the sewer system within such Sewer Districts.
89

90 SECTION 5. Chapter 46 of the Acts of 1986, Chapter 144 of the Acts of 1985, Chapter
91 346 of the Acts of 1989 and the General Laws, insofar they do not conflict with the provisions of
92 this act, shall apply to the town of Foxborough in carrying out the provisions of this act.
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94 SECTION 6. This act shall take effect upon its passage.
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